IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:15CR304
Plaintiff,)	
vs.)	TENTATIVE FINDINGS
STEPHEN HOVEN,)	
Defendant.))	

The Court has received the Presentence Investigation Report ("PSR") and the Defendant's objections to Paragraph Nos. 107 and 110 (Filing No. 180). The government adopted the PSR (Filing No. 171). The Defendant has filed a Motion for Departure (Filing No. 181) and a Motion for Variance (Filing No. 182). See Amended Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

- The Defendant's Objections to Revised Presentence Investigation Report
 (Filing No. 180) will be addressed at the sentencing hearing;
 - 2. The Court intends to adopt the PSR in all other respects;
- 3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

- 4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final;
- 5. The Defendant's Motion for Departure (Filing No. 181) and Motion for Variance (Filing No. 182) will be heard at sentencing; and
- 6. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 24th day of May, 2016.

BY THE COURT:

s/Laurie Smith Camp Chief United States District Judge